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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Russell Heinrich **EXAMINER:** Michael G. Mendoza
SERIAL NO.: 10/510,451 **ART UNIT:** 3734
FILED: October 4, 2004 **DATED:** December 20, 2007
FOR: **SURGICAL STAPLER AND METHOD**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF DECLARATION AND POWER OF ATTORNEY

Sir:

Attached hereto, please find a newly executed original Declaration and Power of Attorney to replace the Declaration and Power of Attorney.

This Declaration and Power of Attorney is being submitted herewith to appoint the attorneys and/or agents via Customer No. 50855.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Dated: **December 20, 2007**

Nicole Rispone